

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA

FILED

JUL 30 2021

Dennis Ray Rigsby Junior,

(Enter the full name of the plaintiff.)

CARMELITA REEDER SHINN, CLERK
U.S. DIST. COURT WESTERN DIST. OKLA.
BY RLK DEPUTY

v.

Case No. CIV-21-760-PRW
(Court Clerk will insert case number)

(1) Great state of Arkansas,

(2) Boone county public defender Parker,

(3) Great state of Oklahoma*.

(Enter the full name of each defendant. Attach additional sheets as necessary.)

PRO SE PRISONER CIVIL RIGHTS COMPLAINT

Initial Instructions

1. You must type or legibly handwrite the Complaint, and you must answer all questions concisely and in the proper space. Where more space is needed to answer any question, you may attach a separate sheet.
2. You must provide a full name for each defendant and describe where that defendant resides or can be located.
3. You must send the original complaint and one copy to the Clerk of the District Court.
4. You must pay an initial fee of \$402 (including a \$350 filing fee and a \$52 administrative fee). The complaint will not be considered filed until the Clerk receives the \$402 fee or you are granted permission to proceed *in forma pauperis*.
5. If you cannot prepay the \$402 fee, you may request permission to proceed *in forma pauperis* in accordance with the procedures set forth in the Court's form application to proceed *in forma pauperis*. See 28 U.S.C. § 1915; Local Civil Rule 3.3.

- If the court grants your request, the \$52 administrative fee will not be assessed and your total filing fee will be \$350.
- You will be required to make an initial partial payment, which the court will calculate, and then prison officials will deduct the remaining balance from your prison accounts over time.
- These deductions will be made until the entire \$350 filing fee is paid, **regardless of how the court decides your case.**

7. The Court will review your complaint before deciding whether to authorize service of process on the defendants. *See* 28 U.S.C. §§ 1915(e)(2), 1915A; 42 U.S.C. § 1997e(c)(1). If the Court grants such permission, the Clerk will send you the necessary instructions and forms.

8. If you have been granted permission to proceed *in forma pauperis*, the United States Marshals Service will be authorized to serve the defendants based on information you provide. If you have not been granted permission to proceed *in forma pauperis*, you will be responsible for service of a separate summons and copy of the complaint on each defendant in accordance with Rule 4 of the Federal Rules of Civil Procedure.

COMPLAINT

I. Jurisdiction is asserted pursuant to:

☒ 42 U.S.C. § 1983 and 28 U.S.C. § 1343(a)(3) (NOTE: these provisions generally apply to state prisoners), or

☒ *Bivens v. Six Unknown Named Agents of Fed. Bureau of Narcotics*, 403 U.S. 388 (1971), and 28 U.S.C. § 1331 (NOTE: these provisions generally apply to federal prisoners)

If you want to assert jurisdiction under different or additional statutes, list these below:

Add on for page 3 of 8

III. Previous Federal Civil Actions or Appeals

List each civil action or appeal you have brought in a federal court while you were incarcerated or detained in any facility.

1. Prior Civil Action/Appeal No. 1

a. Parties to previous lawsuit:

Plaintiff(s): Dennis Ray Rigsby Junior

Defendant(s): Advanced correctional medical

b. Court and docket number: western district CIV-21-0573-6

c. Approximate date of filing: June 04, 2021 After death

d. Issues raised: medical malpractice

e. Disposition (for example: Did you win? Was the case dismissed? Was summary judgment entered against you? Is the case still pending? Did you appeal?): pending

f. Approximate date of disposition: pending

If there is more than one civil action or appeal, describe the additional civil actions or appeals using this same format on a separate sheet(s).

add on for page 3 of 8

III. Previous Federal Civil Actions or Appeals

List each civil action or appeal you have brought in a federal court while you were incarcerated or detained in any facility.

1. Prior Civil Action/Appeal No. 3

a. Parties to previous lawsuit:

Plaintiff(s): Dennis Ray Rigsby Junior

Defendant(s): Sgt. Quater/cpl. Hayes Oklahoma
state prison/department of corrections

b. Court and docket number: Western district CIV-21-05746

c. Approximate date of filing: June 04, 2021 after death

d. Issues raised: Violation of Amendment VIII

e. Disposition (for example: Did you win? Was the case dismissed? Was summary judgment entered against you? Is the case still pending? Did you appeal?): pending

f. Approximate date of disposition: pending

If there is more than one civil action or appeal, describe the additional civil actions or appeals using this same format on a separate sheet(s).

Add on for page 3 of 8

III. Previous Federal Civil Actions or Appeals

List each civil action or appeal you have brought in a federal court while you were incarcerated or detained in any facility.

1. Prior Civil Action/Appeal No. 4

a. Parties to previous lawsuit:

Plaintiff(s): Dennis Ray Rigsby Junior

Defendant(s): Great State of Oklahoma / Great State of California

b. Court and docket number: Western District CIV-21-0575-G

c. Approximate date of filing: June 04, 2021 After death

d. Issues raised: violation of Amendment V to twice put in jeopardy life...

e. Disposition (for example: Did you win? Was the case dismissed? Was summary judgment entered against you? Is the case still pending? Did you appeal?): pending

f. Approximate date of disposition: pending

If there is more than one civil action or appeal, describe the additional civil actions or appeals using this same format on a separate sheet(s).

Add on for page 3 of 8

III. Previous Federal Civil Actions or Appeals

List each civil action or appeal you have brought in a federal court while you were incarcerated or detained in any facility.

1. Prior Civil Action/Appeal No. 5

a. Parties to previous lawsuit:

Plaintiff(s): Dennis Ray Riggsby Junior

Defendant(s): Custer county Oklahoma/indigent
defence system/Richard L. Yohn Sr/James Reedy

b. Court and docket number: Western district CIV-21-0576-6

c. Approximate date of filing: June 04, 2021 After death

d. Issues raised: Amendment V violations in 5 ways

Amendment I violations in two ways

Amendment VI violation(s)?

e. Disposition (for example: Did you win? Was the case dismissed? Was summary judgment entered against you? Is the case still pending? Did you appeal?): pending

f. Approximate date of disposition: pending

If there is more than one civil action or appeal, describe the additional civil actions or appeals using this same format on a separate sheet(s).

Add on for 3 of 8

III. Previous Federal Civil Actions or Appeals

List each civil action or appeal you have brought in a federal court while you were incarcerated or detained in any facility.

1. Prior Civil Action/Appeal No. 6

a. Parties to previous lawsuit:

Plaintiff(s): Dennis Ray Rigsby Junior

Defendant(s): Califonia youth Authority Via
Chicago because statute of Limitations

b. Court and docket number: western district CIV-21-666-6

c. Approximate date of filing: June 29 2021 After death

d. Issues raised: Amrendment VIII violations

e. Disposition (for example: Did you win? Was the case dismissed? Was summary judgment entered against you? Is the case still pending? Did you appeal?): pending

f. Approximate date of disposition: pending

If there is more than one civil action or appeal, describe the additional civil actions or appeals using this same format on a separate sheet(s).

Add on for 3 of 8

III. Previous Federal Civil Actions or Appeals

List each civil action or appeal you have brought in a federal court while you were incarcerated or detained in any facility.

1. Prior Civil Action/Appeal No. 7

a. Parties to previous lawsuit:

Plaintiff(s): Dennis Ray Rigsby Junior

Defendant(s): Custer County Oklahoma / Great State of Oklahoma

b. Court and docket number: Western District CIV-21-667-6

c. Approximate date of filing: June 29, 2021 After death

d. Issues raised: Violation of Amendment VI of Fast and Speedy trial

e. Disposition (for example: Did you win? Was the case dismissed? Was summary judgment entered against you? Is the case still pending? Did you appeal?): pending

f. Approximate date of disposition: pending

If there is more than one civil action or appeal, describe the additional civil actions or appeals using this same format on a separate sheet(s).

II. State whether you are a:

- ☐ Convicted and sentenced state prisoner
☐ Convicted and sentenced federal prisoner
☒ Pretrial detainee
☐ Immigration detainee
☐ Civilly committed detainee
☒ Other (please explain) I had a preliminary hearing

III. Previous Federal Civil Actions or Appeals

List each civil action or appeal you have brought in a federal court while you were incarcerated or detained in any facility.

1. Prior Civil Action/Appeal No. 1

a. Parties to previous lawsuit:

Plaintiff(s): Dennis Ray Rigsby Junior

Defendant(s): Doctor Marlar Oklahoma state prison in McAlester Oklahoma, Doctor Pain of C.C.A

b. Court and docket number: western district CIV.-21-316-6

c. Approximate date of filing: 4-08-2021 after death

d. Issues raised: medical malpractice

e. Disposition (for example: Did you win? Was the case dismissed? Was summary judgment entered against you? Is the case still pending? Did you appeal?): pending

f. Approximate date of disposition: pending

If there is more than one civil action or appeal, describe the additional civil actions or appeals using this same format on a separate sheet(s).

IV. Parties to Current Lawsuit

State information about yourself and each person or company listed as a defendant in the caption (the heading) of this complaint.

1. Plaintiff

Name and any aliases: Dennis Ray Rigsby Junior

Address: Post office Box 40 Arapaho Oklahoma 73620

Inmate No.: 36773

2. Defendant No. 1

Name and official position: Great state of Arkansas

Place of employment and/or residence: In the united states
of north America on Earth

How is this person sued? () official capacity, () individual capacity, (✓) both

3. Defendant No. 2

Name and official position: Public defender of Boone
county Arkansas, Mr. Parker "2001" after death

Place of employment and/or residence: Boone county public
defenders office

How is this person sued? () official capacity, () individual capacity, (✓) both

If there are more than two defendants, describe the additional defendants using this same format on a separate sheet(s).

Add on for page 4 of 8

4. Defendant number 3

Name and official position: State state of Oklahoma*

Place of residence: Of North America of the united States on earth.

supporting also other then CF-2003 after death 2175 in Oklahoma*
punishment not ending untill 2020 after death in June and
custer county Oklahoma* using after former convictions in
CF-2020 after death 123 making statute of limitations not
apply, the City of Chicago of the great stat of Illinois
giving repretations to desendents/posterity of slaves
With Article IV Section 2. [1] "The Citizens of
each state shall be entitled to all Privileges and
Immunities of Citizens in the several States..."
There being no more statute of limitations to
the citizens who read the truth of our/we the people's
united states Constitution. Also any other
governments of the united States of America
that are giving repretations to slave desendents
or there posterity....?

V. Cause of Action

Instructions

1. *Provide a short and plain statement of each claim.*
 - Describe the facts that are the basis for your claim.
 - You can generally only sue defendants who were directly involved in harming you. Describe how each defendant violated your rights, giving dates and places.
 - Explain how you were hurt and the extent of your injuries.
2. *You are not required to cite case law.*
 - Describe the constitutional or statutory rights you believe the defendant(s) violated.
 - At this stage in the proceedings, you do not need to cite or discuss any case law.
3. *You are not required to attach exhibits.*
 - If you do attach exhibits, you should refer to the exhibits in the statement of your claim and explain why you included them.
4. *Be aware of the requirement that you exhaust prison grievance procedures **before** filing your lawsuit.*
 - If the evidence shows that you did not fully comply with an available prison grievance process prior to filing this lawsuit, the court may dismiss the unexhausted claim(s) or grant judgment against you. See 42 U.S.C. § 1997e(a).
 - Every claim you raise must be exhausted in the appropriate manner.
5. *Be aware of any statute of limitations.*
 - If you are suing about events that happened in the past, your case may be subject to dismissal under the statute of limitations. For example, for many civil rights claims, an action must be brought within two years from the date when the plaintiff knew or had reason to know of the injury that is the basis for the claim.

6. Do not include claims relating to your criminal conviction or to prison disciplinary proceedings that resulted in loss of good time credits.

- If a ruling in your favor "would necessarily imply the invalidity" of a criminal conviction or prison disciplinary punishment affecting the time served, then you cannot make these claims in a civil rights complaint unless you have already had the conviction or prison disciplinary proceeding invalidated, for example through a habeas proceeding.

Claims

List the federal right(s) that you believe have been violated, and describe what happened. Each alleged violation of a federal right should be listed separately as its own claim.

1. **Claim 1:**

(1) List the right that you believe was violated:

Amendment V, Amendment VI, Amendment VIII,
Amendment XIV

(2) List the defendant(s) to this claim: (If you have sued more than one defendant, specify each person or entity that is a defendant for this particular claim.)

Great State of Arkansas and Great state of
Oklahoma* the 25th state and the 46th state
of the united states of north America
on earth.

(3) List the supporting facts:

In i was charged in boone county Arkansas
with two felonys and nowhere
in the United States constitution there being
a right to sign a plea agreement.

(4) Relief requested: (State briefly exactly what you want the court to do for you.)

To Amend the Constitution or stop all the
states from letting people sign plea agree-
ments. Compensate all of "we the people" according
to the amount of days/years of lose libertys...

2. Claim II:

(1) List the right that you believe was violated:

Amendment VI, Amendment VIII,
Amendment V

(2) List the defendant(s) to this claim: (If you have sued more than one defendant, specify each person or entity that is a defendant for this particular claim.)

Public defender of Boone county Arkansas
Mr. Parker

(3) List the supporting facts:

Mr. Parker told a child minded self to sign a plea
agreement that "i will get out real soon" i already
did time in county jail so i will be out soon with-
out telling me that if i ever get into trouble...

(4) Relief requested: (State briefly exactly what you want the court to do for you.)

\$30,000 for taking Freedom(s) of lack of counsel
of the truth to me for violating my right
to counsel for my defense Amendment VI
making me be punished for same thing twice.

If there are more than two claims that you wish to assert, describe the additional claims using this same format on a separate sheet(s).

VI. Declarations

I declare under penalty of perjury that the foregoing is true and correct.

Dennis Ray Rigby-Tunise
Plaintiff's signature

(-5-25-2021 after death)
Date

Jail I further declare under penalty of perjury that I placed this complaint in the prison's legal mail system, with the correct postage attached, on the 26th day of July, 2021 after death.

Dennis Ray Rigby-Tunise
Plaintiff's signature

(-7-26-2021 after death)
Date

Add on for Page 8 of 8

(4) Relief Requested: Pay filing fees for this claim
Expunge the felony or give me my
right to a jury trial. Don't let my
Amendment V Right to be Violated
by letting the felony to be twice put
my life in jeopardy by it being used
to punish me. Review my story make a just
ruling on truths. My life matters. "HEL P!"

List of supporting facts (3) of page add on
8 of 8 When a person born in the United
States that has a right to real counsel...
then that counsel would not have that
person sign a plea agreement that the
person did that he was just in doing in
in the State of Arkansas

When my drunk step dad tried to rape my
mother Judy Ruth Mullin^{1st} he was hurting her
So I protected her and helped her not be
more of a victim of Timothy Louis Burch-
field Sr. When he has a long record of
hurting women drunk. For counsel... Mr.
Parker to Violate my Bill of Rights I
have a right to receive Relief. Due to
the Oklahoma County CF-2003 After death-2175
punishments ended on 6-2-2020 After death the
statute of Limitations not up. Because those
Felonys in the State of Arkansas was used to
twice put my life in jeopardy which being my
Libertys and Freedoms.

Add for Page 8 of 8

(3) supporting facts: Public defender Parker convincing a at the time a child to sign a plea agreement when there no where written in the United States constitution "Rights in Criminal Cases" to do so and sure not so because "You already been in the county jail for 6 months and you will be free in a few months" that being what Parker told me to get me to sign for something i was just in doing. And for the thing i did not do the breaking and entering it was my girlfriends dads laundry mat i took some change from. there she let me enter. For some kid that being 19 years old that dont know about the law and to not tell him that if he does sign it could come back to be unlawfully used to twice punish me being very unjustic. We the the people need to know the injustic of the system to its own people. The Bill of Rights to protect the people from the government. And its not being followed like the words are written.

Add on for page 8 of 8 (3)

again that i can be wrongfully punished. He did not tell me he was making me violate my own rights of my constitution. (Note) due to county felony CF-2003-2175 "contenuing" punishments statute of Limitations dont aply.

Add on for Page 7 of 8

3. Claim III:

(1) List the right that you believe was Violated:

Amendment VI Right to a fair Trial

Amendment VIII cruel and unusual punishment inflicted, being extra punishment/over punished. My life matters, i need just review and ruling.

(2) List the defendant(s) to this claim:

The Grate state of Oklahoma* 46th state of the united states of north America on Earth.

(3) List supporting facts: case Felony-2005-1078 was a plea agreement that my public defender did not tell me that plea agreements are unconstitutional no where in there being a option to do a plea agreement in Amendments IV, V and VI about Rights in Criminal cases and rights to a fair Jury trial. (NOTE) The statute of limitations dont aply when the case being wrongfully used in Supplemental information for After former conviction of two or more Felonies. (see) case number 2020afterdeath-123 custer county district court in Oklahoma*

Claim, IV: Add on for page 8 of 8

(1) List right you believe was violated: Amendment VI ..., and to be informed of the "nature" and cause of the accusation; ...

(2) List the defendant(s) to this claim: Oklahoma County, Great state of Oklahoma³⁸

(3) List Supporting facts: Case number CF-2003-2175 in Oklahoma County I went to a unconstitutional jury trial in many ways and there was a "Bait" option in the jury instructions making the jury "partial" a Amendment VI violation, by the Honorable V. C. Black of lesser included charge of manslaughter in the 1st degree. My attorney Stacy L. Smith did all this to me because I ran from his wife my bail bondsman that he told me or my mother Judy Ruth Mullin^{Ist} to use. I was found guilty of the lesser charge and then I was "in-formed of the nature" of the charge" after" I was found guilty! This being a Amendment VI violation. (Note) Punishment for CF-2003-2175 did not end till 6-2-2020 after death so no unjust limitations!

(4) Relief requested: To stop all lesser included charges in all jury trials in the United States or Amend the Bill of Rights, dismiss the record of CF-2003-2175 and \$23000.00 dollars. To know from judicial power ordained by Congress about the things taking place in the judicial branch that are not in the constitution like plea agreements and appeals are they not also unconstitutional?, not just conflicting issues?

(note)

On Add on for page 8 of 8 the blank spot being "for a case number" a class B felony in Boone county, Arkansas in the town of Harrison. I wrote the Boone county court clerk @ 100 north main street suite 203 Harrison, Arkansas 72601 to get them to send me the 2 case numbers two letters! I have not got a response on the two letters I sent from Custer county detention center/jail. When I receive the case numbers I will file them under the case number I get for this complaint.

Blank spot on claim 1 page 7 of 8 (3) year on 1st Blank spot and two case numbers on other spot. I will file when court clerk in Boone county sends them to me.

On page 4 Add on for 8 of 8 (3) There being a claim by Plaintiff of a Amendment VI violation by making the jury "partial" also when the jury convicted me of the lesser included charge

that violated my Amendment VI right because (me) Plaintiff has a right to be informed of the nature and cause of the accusation; ... See Amendment VI of the UNITED STATES CONSTITUTION! I have a right to be informed of the accusation before I am convicted of it not after. (see) (3) on page 4 of 6 add on for page 8 of 8

When the federal government lets state^s violate "we the people"^s rights to be hard on crime without Amending our constitution then that being wrong! I request you all act on these issues and give justice to "all" the "we the people" in the prison system that these practice(s) have affected and changed their lives. I can read english and the framers and founding fathers would be very sad to know what being taking place in the United States.

- (4) Relief Requested: Tell all people the whole truth and nothing but the truth about plea Agreements/Amend constitution.